

## United States Patent and Trademark Office

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APPLICATION NO. FILING DATE		ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/961,409		09/25/2001	Takayuki Ide	P 283750 SPO-2472 5520		
909	7590	01/07/2004		EXAM	EXAMINER	
PILLSBU P.O. BOX		THROP, LLP	SHAFER, RICKY D			
MCLEAN, VA 22102				ART UNIT	PAPER NUMBER	
•				2872		

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner		Application No.	Applicant(s)					
Examiner Ricky D. Shafer  272  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Examinose of time may be available under the provisions of 37 CPR 1.138(a), the owent, however, may a reply be shadely liked  - If NO period for reply is produced shows, the reasonum stabulary period will apply and will explicit Six (b) MONITIS from the mailing date of this communication through the provision of the shadely period will be shadely explicit the mailing date of this communication.  - If NO period for reply is produced shows, the reasonum stabulary period will apply and will explic Six (b) MONITIS from the mailing date of this communication.  - If NO period for reply is produced shows, the reasonum stabulary period will apply and will be controlled in the provision of the short of the some period of this communication.  - If NO period for reply is produced shows, the reasonum stabulary period will apply and will be controlled to the communication.  - If NO period for reply is produced shows, the reasonum stabulary period will apply and will be controlled to the communication.  - If NO period for reply is produced shows, the reasonum stabulary period will be period to the communication.  - If NO period for reply is produced shows, the reasonum stabulary period will be period to the communication.  - If NO period for reply is produced shows, the reasonum stabulary period will be period to the communication.  - If NO period for reply is produced shows, the reasonum stabulary period will be showed the period to the some replication of the mail to the mail to the showled period to the mail to the mail to the mail to the showled term and the showled period to a communication.  - Claim(s) 1-12 faire pending in the application of for allowance except for formal matters, prosecution as to the merits is closed to the period to the period to the p		09/961,409	IDE ET AL.					
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Examples of time may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filed  Examples of time may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filed  Examples of the provision of the provisions of 37 CFR 1.35(a), the no event, however, may a reply be timely filed  If the period for reply is apecified above, he maximum statutory partly whith the statutory minimum of thiny; (30) days with be considered brine for maximum statutory partly with provision of the provision of the provision of the mainting date of this communication, even if timely filed, may reduce any evantly whith the statutory may will be provided any evantly and provided any evantly provided any evantly provided any evantly and provided any e		Ricky D. Shafer	2872					
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Page 2

Application/Control Number: 09/961,409

Art Unit: 2872

1. This application contains claims directed to the following patentably distinct species of

the claimed invention:

A). The deformable element being a lens;

B). The deformable element being a prism; and

C). The deformable element being a mirror.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 13 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

Application/Control Number: 09/961,409

Art Unit: 2872

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R.D. Shafer whose telephone number is (703) 308-4813.

**RDS** 

December 6, 2003

Page 3